

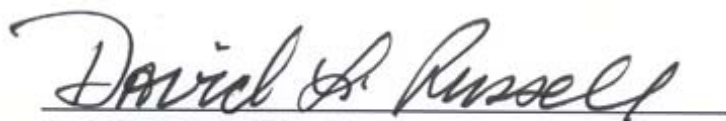
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

VINCENT OCHOA,)	
)	
Petitioner,)	
)	
v.)	CIV-05-154-R
)	
LENORA JORDAN,)	
)	
Respondent.)	

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie K. Couch entered June 24, 2005. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED, Respondent's motion to dismiss is DENIED, and Petitioner is GRANTED leave to amend his petition by omitting the unexhausted claim, which he has now done by filing an Amended Petition on July 13, 2005. This case is hereby REFERRED back to Magistrate Judge Valerie Couch.

IT IS SO ORDERED this 18th day of August, 2005.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE